

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GLENN WALKER,

Plaintiff,

vs.

THE AMERICAN COAL COMPANY,

Defendant.

and

THE AMERICAN COAL COMPANY,

Defendant/Third Party Plaintiff,

vs.

DAVID STANLEY CONSULTANTS, LLC., and
LEXINGTON INSURANCE COMPANY
OF FLORIDA,

Third Party Defendants.

No. 08-33-WDS

ORDER

This cause coming on before the Court and the Court being fully advised in the premises, IT IS HEREBY ORDERED that Defendant/Third Party Plaintiff's Motion for Voluntary Dismissal of Count II of the Third Party Complaint is granted. Said Count is hereby dismissed without prejudice. This Order does not affect in any way Count I of the subject Third Party Complaint.

DATED: November 13, 2008

s/ WILLIAM D. STIEHL
JUDGE